

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DDB Technologies L.L.C.,	§	
	§	
Plaintiff,	§	
vs.	§	
ESPN, Inc.,	§	Civil Action No. 1:10-CV-246-JRN
	§	
	§	
NFL Enterprises, LLC,	§	Civil Action No. 1:10-CV-254-JRN
	§	
	§	
Yahoo!, Inc.,	§	Civil Action No. 1:10-CV-273-JRN
	§	
	§	
NBA Media Ventures, LLC;	§	Civil Action No. 1:10-CV-285-JRN
	§	
	§	
AOL, Inc.,	§	Civil Action No. 1:10-CV-313-JRN
	§	
	§	
NHL Interactive Cyber Enterprises, LLC et	§	Civil Action No. 1:10-CV-336-JRN
al,	§	
	§	
	§	
Time, Inc.,	§	Civil Action No. 1:10-CV-428-JRN
	§	
	§	
PGA Tour, Inc.	§	Civil Action No. 1:10-CV-475-JRN
	§	
Defendants.		

AMENDED SUPPLEMENT TO [PROPOSED] SCHEDULING ORDER

The parties filed their Proposed Scheduling Order and Proposed Addendum to Scheduling Order on November 23, 2010. Given that the date Defendants proposed for Plaintiff to serve its Infringement Contentions, December 6, 2010, has already passed and Plaintiff has not served its Infringement Contentions, Defendants are submitting a revised schedule. The date for service of Infringement Contentions provided the starting point for a few of the subsequent

dates, including the exchange of proposed terms for construction, proposed constructions, a joint claim construction statement, and opening *Markman* briefs. Accordingly, Defendants propose revising each of these dates. Defendants' revised proposal does not alter the proposed dates for the *Markman* hearing or for any subsequent events. The parties' respective positions, including Defendants' revised dates, are set forth below:

Event	DDB's Proposed Date	Defendants' Original Proposed Date	Defendants' New Proposed Date
Rule 26(a)(1) Initial Disclosures	December 6, 2010	December 6, 2010	No change
Initial Production from Defendants	December 6, 2010	N/A	No change
Plaintiff's infringement contentions	None (or December 20, 2010)	December 6, 2010	December 17, 2010
Defendants' invalidity contentions	None (or January 10, 2010)	January 10, 2011	January 21, 2011
Parties exchange terms for construction	January 14, 2011	January 14, 2011	January 24, 2011
Meet and confer re list of terms	January 14-21, 2011	January 14-21, 2011	None ¹
Report on ADR (LR CV-88)	January 17, 2011	January 17, 2011	No change
Proposed constructions	January 21, 2011	January 21, 2011	January 31, 2011
Meet and confer re claim construction	January 21-28, 2011	January 21-28, 2011	February 2, 2011

¹ Given the severely compressed schedule, and an already scheduled "Meet and confer re claim construction", Defendants propose to eliminate the "Meet and confer re list of terms."

Event	DDB's Proposed Date	Defendants' Original Proposed Date	Defendants' New Proposed Date
Joint claim construction statement	January 28, 2011	January 28, 2011	February 2, 2011
Written settlement offers from DDB to each Defendant	February 2, 2011	February 2, 2011	No change
Opening <i>Markman</i> Briefs	February 11, 2011	February 11, 2011	February 16, 2011
Deadline to amend or supplement pleadings and join additional parties	February 11, 2011	February 11, 2011	No change
Written settlement responses from each Defendant	February 16, 2011	February 16, 2011	No change
Responsive <i>Markman</i> Briefs	March 2, 2011	March 2, 2011	No change
<i>Markman</i> Hearing	March 9-11, 2011	March 9-11, 2011	No change
Burden of Proof expert reports	May 31, 2011	April 18, 2011	No change
Opposing expert reports	June 15, 2011	May 6, 2011	No change
Deadline for filing dispositive motions	June 15, 2011	May 16, 2011	No change
Close of fact discovery	June 22, 2011	May 20, 2011	No change
Close of expert discovery	July 6, 2011	May 20, 2011	No change
Designation of Witnesses and Exhibits	None (or June 23, 2011)	June 10, 2011	No change

Event	DDB's Proposed Date	Defendants' Original Proposed Date	Defendants' New Proposed Date
Final Pretrial Conference	July 7, 2011	July 7, 2011	No change

Accordingly, counsel for NFL Enterprises, LLC, NBA Media Ventures LLC, NHL Interactive Cyber Enterprises, LLC, NHL Enterprises, L.P. and NHL Enterprises, Inc., on behalf of all Defendants, submits this for the Court's information.

Dated: December 10, 2010

Respectfully submitted,

/s/ Willem Schuurman

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

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<p>D. Gibson Walton Joshua J. Newcomer HOGAN LOVELLS US LLP 700 Louisiana, Suite 4300 Houston, TX 77002 Brian Gregory Strand Eric J. Lobenfeld Gary Serbin Ira James Schaefer HOGAN LOVELLS US, LLP 875 Third Ave. New York, NY 10022 Attorneys for Defendants: <u>ESPN, Inc.; ESPN/Starwave Partners d/b/a</u> <u>ESPN Internet Ventures; ESPN Digital</u> <u>Media, Inc.; Starwave Corporation</u></p>	<p>Stephen J. Joncus John Christopher Carraway Todd M. Siegel Klarquist Sparkman, LLP 121 S.W. Salmon Street, Suite 1600 Portland, Oregon 97204 Attorneys for Defendant: <u>Time, Inc.</u></p>
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/s/ Willem G. Schuurman